THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 21163 of 1996

28-01-2006

Between:

M.A. Sami S/o. Sri M.A. Subhan
r/o. Medi Palli Kalan, Pudur Mandal, RR Dist.

..... PETITIONER

AND

1 The District Collector, R.R.Dist,.
at Khairatabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 21163 of 1996

This petition is filed questioning the proceedings dated 03.09.1996 issued by the 2nd respondent-Mandal Revenue Officer, Pudur, canceling the patta issued to the petitioner.

The case of the petitioner is that he was granted patta for construction of house and that he, after obtaining permission from the Gram Panchayat had constructed a house therein, and when third parties tried to interfere with his possession over the said land, he filed a suit and obtained an injunction and so those persons with a view to spite him had approached the Mandal Revenue Officer (2nd respondent) and made him cancel the patta issued to him without any notice and so the cancellation of his patta is invalid.

Though the petition is filed in 1996, no counter affidavit is filed on behalf of any of the respondents.

Since the petitioner, who was issued patta, is entitled to notice

before cancellation of the patta, and since no such notice seems to have issued and since the procedure prescribed the Board Standing Orders for cancellation of patta seems to be not followed, this petition deserves to be allowed.

Therefore, the writ petition is allowed with costs and the order impugned in the petition is quashed. The respondents, before cancellation of the patta granted to the petitioner, should issue a show cause notice and afford an opportunity of being heard to the petitioner.

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28-01-2006

Mjl/*